IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 1383/2006

(Mahesh Kumar V/s State of Rajasthan & Anr.)

Date of Order :::: 20.11.2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

None present, for the petitioner
Mr. Ashok Upadhyaya, PP

BY THE COURT:

No one appears for the petitioner. Perused the memo of misc. petition as also the order impugned dated 9.1.2006 passed by the Additional Chief Judicial Magistrate No.2, Bikaner (for short 'the trial court' hereinafter) whereby the trial court on an application filed by the non-petitioner No.2 granted monthly allowance of interim maintenance @ Rs.1500/- w.e.f. 31.8.2005.

From perusal of the order impugned it appears that the petitioner has not disputed that the non-petitioner No.2 is a legally wedded wife. He having sufficient means failed to

maintain the non-petitioner and neglected her. It has also been pleaded that the petitioner has turned out the non-petitioner No.2 from matrimonial home by subjecting her to cruelty in connection with the demand of dowry. It has also been alleged that the petitioner is earning Rs.5000/- per month. It cannot be said that the order granting interim maintenance would result in serious miscarriage of justice and abuse of the process of the court. The parties are yet to lead evidence and trial court is yet to decide the matter finally. It is an interim arrangement and therefore, the impugned order cannot be defaulted.

The criminal misc. petition is, therefore, dismissed. However, the trial court is directed to decide the main petition filed by the non-petitioner utmost expeditiously preferably within six months from the date of receipt of copy of this order.

(H.R.PANWAR)J.

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